

## Message Text

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ORIGIN EA-14

INFO OCT-01 ISO-00 FSI-01 CPR-02 PER-05 DODE-00 L-03 A-01

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PER - MR. KING (PHONE)

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R 152015Z MAY 74

FM SECSTATE WASHDC

TO AMEMBASSY TOKYO

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E.O. 11652: NA

TAGS: PFOR, AFSP, OGEN, AFSI, JA

SUBJECT: YOKOHAMA LANGUAGE SCHOOL - STATUS OF STUDENTS

REF: TOKYO 5229

1. WE HAVE DISCUSSED YOKOHAMA STUDENT STATUS PROBLEM WITH JAPANESE EMBASSY HERE WHICH HAS RECEIVED NO REQUEST FOR A REPORT ON THE STATUS OF JAPANESE STUDENT-DIPLOMATS IN THE US. HOWEVER, WE AND EMBASSY AGREE THAT THE TWO SITUATIONS ARE NOT SIMILAR, AND THAT THEREFORE QUESTIONS OF RECIPROCITY ARE NOT IN ORDER. JAPANESE EMBOFF HERE DESCRIBED SITUATION AS INVOLVING RECIPROCITY ONLY TO EXTENT THAT "FONOFF MAY BE TRYING TO TAKE AWAY FROM US STUDENTS WHAT WE DON'T WANT HERE." FYI: STATE DEPT OFFICE OF PROTOCOL AS A MATTER OF POLICY DOES NOT OBSERVE PRINCIPLE OF RECIPROCITY, BUT OPERATES ON A UNILATERAL INTERPRETATION OF THE VIENNA CONVENTIONS, RELEVANT US PRECEDENTS, AND POLITICAL DETERMINANTS. END FYI.

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2. STATUS OF JAPANESE STUDENT-DIPLOMATS IS AS DESCRIBED

IN LEVIN-SHOESMITH LETTER OF FEBRUARY 1, 1974. IN 1963 STUDENTS WERE LISTED AS ATTACHES OF JAPANESE EMBASSY ON THE DIPLOMATIC LIST AS A RESULT OF AN EMBASSY REQUEST. NO PRIVILEGES, IMMUNITIES OR CREDENTIALS WERE ISSUED OTHER THAN CUSTOMS FREE ENTRY ON FIRST ARRIVAL. THIS YEAR,

EMBASSY HAS AGREED TO DROP LISTING OF STUDENTS AS ATTACHES IN LINE WITH CURRENT DEPARTMENT POLICY.

3. FYI: CORRECT PRECEDENTS IN OUR VIEWS ARE THE USG SCHOOLS AT TAICHUNG AND BEIRUT. HOWEVER, WE DO NOT DESIRE TO ARGUE ON THIS BASIS BECAUSE TAICHUNG STATUS, WHICH WAS CLARIFIED VIA EXCHANGE OF NOTES ON JULY 15, 1969, INVOLVED RECIPROCAL UNDERTAKING WHICH WE NOT PREPARED TO GIVE (AND WHICH GOJ DOES NOT PRESENTLY DESIRE). 1969 US NOTE STATED THAT THE SCHOOL WOULD BE NAMED AMERICAN EMBASSY SCHOOL OF CHINESE LANGUAGE AND AREA STUDIES (RATHER THAN PRIOR DESIGNATION OF FOREIGN SERVICE INSTITUTE-TAICHUNG) AND CONSIDERED PART OF THE EMBASSY. US NOTE FURTHER STATED THAT US PERSONNEL AT THE SCHOOL, BOTH STAFF AND STUDENTS ASSIGNED TO EMBASSY, WILL RECEIVE STATUS AND PRIVILEGES OF ADMINISTRATIVE AND TECHNICAL PERSONNEL OF THE EMBASSY. EMBASSY ALSO SAID IT WOULD ANNOUNCE TO THE GROC MFA THE ARRIVAL AND DEPARTURE OF US PERSONNEL. GROC CONFIRMED THESE UNDERSTANDINGS IN ITS REPLY. BEIRUT SCHOOL IS ALSO INTEGRAL PART OF EMBASSY (IS IN FACT PHYSICALLY LOCATED IN EMBASSY) AND STUDENTS RECEIVE DIPLOMATIC ATTACHE STATUS AS A RESULT OF THEIR ASSIGNMENT TO THE EMBASSY. THESE ARE ONLY STATE DEPARTMENT LANGUAGE TRAINING FACILITIES ABROAD. END FYI.

4. IF FONOFF IS STILL HOLDING UP ACTION ON THE CASES OF SILVER AND OVERTURF, EMBASSY IS AUTHORIZED TO PROPOSE TO FONOFF THAT WE WOULD BE PREPARED TO EXCHANGE NOTES CLARIFYING ON OUR SIDE INTEGRAL RELATION OF YOKOHAMA SCHOOL TO EMBASSY AND CONFIRMING THIS UNDERSTANDING ON GOJ SIDE. THERE FOLLOWS A DRAFT EXCHANGE OF NOTES WHICH YOU MAY PRESENT TO THE FONOFF. PLEASE REPORT FONOFF REACTION AND ANY PROPOSED AMENDMENTS PRIOR TO EXCHANGE. WE AGREE WITH EMBASSY THAT CASE SHOULD BE MADE TO FONOFF LIMITED OFFICIAL USE

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THAT PENDING STATUS CASES SHOULD BE SETTLED ON THE BASIS OF NORMAL PRECEDENTS HITHERTOFORE APPLIED.

5. DRAFT EXCHANGE OF NOTES FOLLOWS:

US NOTE - BEGIN TEXT:

EXCELLENCY:

I HAVE THE HONOR TO REFER TO RECENT CONVERSATIONS  
BETWEEN REPRESENTATIVES OF OUR TWO GOVERNMENTS CONCERNING  
THE STATUS OF THE FOREIGN SERVICE INSTITUTE SCHOOL OF  
LANGUAGE AND AREA STUDIES AT YOKOHAMA AND OF ITS  
PERSONNEL. MY GOVERNMENT'S UNDERSTANDING OF THE RESULTS

OF THE CONVERSATIONS IS AS FOLLOWS:

THE SCHOOL HENCEFORTH WILL BE KNOWN AS THE AMERICAN  
EMBASSY SCHOOL OF JAPANESE LANGUAGE AND AREA STUDIES,  
AND THE SCHOOL WILL BE CONSIDERED PART OF THE AMERICAN  
EMBASSY TO JAPAN.

UNITED STATES PERSONNEL OF THE SCHOOL, BOTH STAFF  
AND STUDENTS, ASSIGNED TO THE EMBASSY, WILL HAVE THE  
STATUS AND PRIVILEGES OF ADMINISTRATIVE AND TECHNICAL  
PERSONNEL OF THE EMBASSY.

THE ARRIVAL OF UNITED STATES PERSONNEL ASSIGNED TO  
THE SCHOOL, AND THEIR DEPARTURE, WILL BE ANNOUNCED TO THE  
MINISTRY OF FOREIGN AFFAIRS.

IF THE TERMS OF THIS NOTE AS STATED HEREIN ARE  
AGREEABLE TO YOUR GOVERNMENT, I PROPOSE THAT THE  
AGREEMENT BE MADE EFFECTIVE BY A NOTE OF CONFIRMATION.

ACCEPT, EXCELLENCY, THE RENEWED ASSURANCE OF MY  
HIGHEST CONSIDERATION.

-- (SIGNED BY CHIEF OF MISSION) END TEXT.

JAPANESE NOTE - BEGIN TEXT:  
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EXCELLENCY:

I HAVE THE HONOR TO ACKNOWLEDGE RECEIPT OF YOUR  
EXCELLENCY'S NOTE OF (INSERT DATE) WHICH READS AS  
FOLLOWS: (HERE GOJ INSERTS TEXT AS AGREED ABOVE).

IN REPLY, I HAVE THE HONOR TO CONFIRM THAT THE ABOVE-  
MENTIONED UNDERSTANDING IS AGREEABLE TO THE GOVERNMENT OF  
JAPAN, AND THAT YOUR EXCELLENCY'S NOTE UNDER REFERENCE  
AND THIS NOTE IN REPLY SHALL CONSTITUTE AN AGREEMENT  
BETWEEN OUR TWO GOVERNMENTS, EFFECTIVE FROM TODAY'S DATE.

ACCEPT, EXCELLENCY, THE RENEWED ASSURANCES OF MY  
HIGHEST CONSIDERATION. END TEXT.

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## Message Attributes

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**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
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**Disposition Approved on Date:**  
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